

**INFORMATION  
DISCLOSURE  
STATEMENT**

Application #	10/564,358
Confirmation #	9201
Filing Date	05/18/2006
First Inventor	MILLER
Art Unit	1742
Examiner	
Docket #	P08836US00/BAS

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

SIR:

**This IDS is submitted pursuant to 37 CFR. §1.97-1.98 and includes the following:**

- A listing of the references on PTO-1449.
- A copy of all **non-US** references which are listed on the PTO-1449 (US refs not required).
- A copy of a corresponding foreign **Search Report** which explains the relevance of the references noted therein.
- A separate **explanation of relevance**.

**Please note the following particulars concerning the filing of this IDS:**

- 1. This IDS is filed at whichever is the latest of:
  - within three months of the filing date of a NATIONAL APPLICATION other than a CPA, or
  - within three months of the date of entry into the NATIONAL STAGE as set forth in 37 CFR. §1.491 in an international application, or
  - before the mailing date of a first Office Action on the merits or after filing of an RCE (*but if a first Office Action is mailed but not yet received and the date on the face of the attached foreign communication makes it evident that this IDS is submitted within three months from the mailing of the search report, then applicant is entitled to have this IDS considered under 2.B. below and such boxes should be considered as having been checked*).
- 2. This IDS is filed **after a first Office Action**, but before a Final Action, Allowance, or any other action which closes prosecution, **and**:
  - A. Is accompanied by a payment in the amount of \$180.00 required by 37 CFR. §1.17(p).
  - or**
  - B. I hereby state that each item of information contained in this IDS was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS.
  - C. I hereby state that no item of information in this IDS herewith was cited in a communication from a foreign patent office in a counterpart foreign application, and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 CFR. §1.56(c) more than 3 months prior to the filing of this IDS.
  - D. An appropriate Statement is attached.

3. This IDS is filed **after** a final action or allowance, but on/before payment of the issue fee, and:

A. is accompanied by a payment in the amount of \$180.00 required by 37 CFR. §1.17(p).

and

B. I hereby state that each item of information contained in this IDS was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS.

C. I hereby state that no item of information in this IDS herewith was cited in a communication from a foreign patent office in a counterpart foreign application, and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 CFR. §1.56(c) more than 3 months prior to the filing of this IDS.

D. An appropriate Statement is attached.

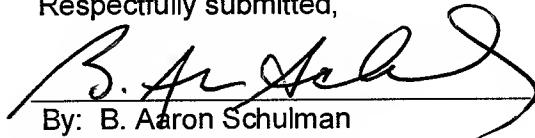
4. This IDS does not comply with 37 CFR 1.97-1.98, and is being filed **for placement in the file** pursuant to 37 CFR. §1.97(i).. .

5. It will also be appreciated that:

- a. It is believed that this IDS complies fully with 37 CFR 1.56 and 1.97-98 and with MPEP § 609; but if for some reason it does not and will not be entered, the examiner is requested to telephone the undersigned so that any deficiency can be timely remedied.
- b. Some of the documents may have markings thereon, but no significance should be attached to those markings.
- c. These documents are not necessarily analogous art.
- d. Where an English language translation of an abstract is provided from a public source, applicant cannot vouch for the accuracy of that translation.

6. If no payment is enclosed and a fee is due in connection with this communication or if the payment enclosed is insufficient, the Director is authorized to charge any fee or additional fee due with this communication to Deposit Account No. 12-0555.

Respectfully submitted,



By: B. Aaron Schulman  
Registration No.: 31,877

Date: May 12, 2008

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Mr. David Tadgell  
Partner  
**PHILLIPS ORMONE & FITZPATRICK**

**REF:** *Requirement from the Guatemalan Patent Office PI 2004-0154*  
**Y/REF:** *FF36911/04*

Dear Mr. Tadgell:

We received a new requirement from the Guatemalan Patent Office in which they comment the following:

They mentioned these documents as part of the Experts' Exam:

- X GR1001555 AGATZINI-LEONARDOU STYLIANI; DIMAKI DIMITRA March 22, 1994 (all the document)
- X GR1003569 AGATZINI-LEONARDOU STYLIANI; DIMAKI DIMITRA April 23, 2001 (all the document)
- A WO2004031422 A (EUROPEAN NICKEL PLC) April 15, 2004
- A WO2003093517 A (QNI TECHNOLOGY PTY LTD) November 13, 2003
- A WO2001/032943 A (BHP MINERALS INTERNATIONAL, INC) May 10, 2001
- A US 6379636B (Arroyo et.al), April 30, 2002
- A US 6312500B (DUYVESTYN et.al) November 6, 2001
- A US 5571308 A (DUYVESTYN et. al) November 5, 1996
- A AU 89338/2001 (MG TECHNOLOGIES AG) May 16, 2002

Based on the results of this investigation, The Patent's Office is considering the rejection of the present invention. This application tries to suggest a method to the extraction of nickel and cobalt from laterite minerals. The applicant suggests dividing the material in a fragment of improved grade and one of low grade, to process them separately, extracting the nickel and cobalt from the fragment of lower grade through an acid's lixiviation process. This solution was anticipated in documents D01 and D02. These documents show a method to extract nickel and cobalt through an acid, hence the present application can not be considered as inventive. Your comments on this reference and a new amended version of claims are requested, in order to study the application again, and decide if it can be accepted or rejected.

We will really appreciate your comments on the above. The deadline to file a response is April 28, 2008.

Please let us know if you have any doubt or question.

Sincerely yours,  
**LEXINCORP -PI-**